

PCT

Rec'd PCT/PTO 23 FEB 2005
RE 25 OCT 2004INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT
(PCT Article 36 and Rule 70)REPLACED BY
ART 34 AMST

Applicant's or agent's file reference MULTI-017	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/BR 03/00121	International filing date (day/month/year) 26.08.2003	Priority date (day/month/year) 27.08.2002
International Patent Classification (IPC) or both national classification and IPC F24C15/16		
Applicant MULTIBRAS S.A. ELETRODOMESTICOS et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25.03.2004	Date of completion of this report 22.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Merkt, A Telephone No. +49 89 2399-2935 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/BR 03/00121

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-9 filed with telefax on 15.09.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/BR 03/00121

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

Best Available Copy

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/BR 03/00121

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: DE 42 36 740 A (BAUKNECHT HAUSGERAETE) 5 May 1994 (1994-05-05)
D2: US-A-2 987 363 (MORSE CHARLES L) 6 June 1961 (1961-06-06)
D3: PATENT ABSTRACTS OF JAPAN vol. 009, no. 092 (M-373), 20 April 1985 & JP 59 217426 A (MATSUSHITA DENKI SANGYO KK), 7 December 1984

The present application does not meet the requirements of Article 6 PCT because claim 1 is not clear. Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The subject-matter of claim 1 as given concerns a shelf arrangement but later on claim 1 attempts to define the subject-matter by features which belong merely to an oven. Those features officially do not form part of the claimed shelf arrangement.

Therefore, the present claim should have been directed to an "oven with a shelf arrangement" in order to include the essential features of the oven.

The following report has been drawn under the assumption that claim 1 had been amended accordingly (amendments see **bold** characters):

The document D1 discloses (see cited passages in ISR) an **oven with a shelf** arrangement; **the oven** comprising a cabinet (11) provided with lateral walls, parallel to each other and which define a front opening closed by a lower door (12) which is horizontally tiltable between a closed position, seated against the front opening, and an open position, forwardly projected from the oven, said lateral walls carrying rails (16) on which is slidably seated said shelf (13), whereby said shelf (13) being mounted to the respective rails (16) in order to be manually displaceable between an operative position, in which it is retracted in the interior of the oven, and a parallel loading position, in which it is elevated and outwardly displaced in relation to the operative position.

The subject-matter of claim 1 differs therefrom in that a pair of rails is provided on each of the lateral walls of the oven and on which respective mutually spaced portions of the corresponding side of the shelf are seated, each rail comprises a first horizontal extension, on which the shelf seats in its operative position, and a second extension,

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/BR 03/00121

connected to the first one and being upwardly inclined towards the front opening and along which the shelf is displaced between its operative and loading positions.

These differentiating features are neither known from nor rendered obvious by the available prior art documents. They provide the advantage of an improvement of the operations at the oven and ergonomics. Hence, the subject-matter of claim 1 of the present application can be considered as being new and inventive (Articles 33 (2) and (3) PCT).

As claim 1 is considered as being new and inventive and claims 2-9 are dependent on claim 1, these claims can also be considered as new and inventive in the sense of Articles 33(2) and (3) PCT.

The industrial applicability of the invention is obvious.

Further remarks:

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

The two-part-form should have been adapted.

The description is not in conformity with the claims. It should have been amended by deleting excess text (embodiment 1) and adapting the claimed subject-matter.

Accordingly, the drawings concerning the first embodiment should have been deleted.

REPLACED BY
ART 34 AMST

CLAIMS

1. A shelf arrangement for ovens of the type comprising a cabinet (10) provided with lateral walls (11), parallel to each other and which define a front opening (12) closed by a lower door (13) which is horizontally tiltable between a closed position, seated against the front opening (12), and an open position, forwardly projected from the oven, said lateral walls (11) carrying rails (14, 15) on which is slidingly seated at least one shelf (30), characterized in that the shelf (30) is mounted to the respective rails (14, 15) in order to be manually displaceable between an operative position, in which it is retracted in the interior of the oven, and a parallel loading position, in which it is elevated and outwardly displaced in relation to the operative position.
2. A shelf arrangement according to claim 1, characterized in that the shelf (30) is affixed to a frame (31) comprising at least one more shelf (30) parallel to the first one.
3. A shelf arrangement according to claim 1, characterized in that the shelf (30) is detachably coupled to the door (13) of the oven, so that the angular displacement thereof between its closed and open positions produces the displacement of the shelf (30) between its operative and loading positions.
4. A shelf arrangement according to claim 2, characterized in that the shelf (30) is coupled to the door (13) by a pair of mutually parallel driving rods (25), each having an internal end (25a) detachably articulated to one of the sides of the shelf (30), and an external end (25b) detachably articulated to a corresponding side of the door (13).
5. A shelf arrangement according to claim 4,

characterized in that the external ends (25b) of the driving rods (25) reach a level that is lower than that of the internal ends (25a) when the door (13) of the oven is taken to a maximum opening position.

5 6. A shelf arrangement according to any of the claims 1-5, characterized in that the shelf (30) is manually displaceable, in a horizontal path, between the operative position and an intermediate position adjacent to the front opening (12), and in an upwardly
10 and outwardly inclined path in relation to the oven, between the intermediate position and the loading position.

7. A shelf arrangement according to claim 6, characterized in that it comprises a rail (14)
15 horizontally provided on each of the lateral walls (11) of the oven, each rail (14) supporting a slide (20) to which are articulated the upper ends of a pair of suspension rods (21), whose lower ends are articulated to a corresponding side of the shelf (30),
20 the displacement of the slide (20) in the respective rail (14) defining the operative and intermediate positions of the shelf (30) and the loading position of the latter being achieved by the forwardly and upwardly angular displacement of the suspension rods
25 (21).

8. A shelf arrangement according to claim 7, characterized in that each pair of suspension rods (21) define an articulation in the form of a parallelogram.

30 9. A shelf arrangement according to claim 7, characterized in that each slide (20) is seated on the respective rail (14) by means of at least two rollers (22).

10. A shelf arrangement according to any of the claims
35 1-5, characterized in that it comprises a pair of

REPLACED BY
ART 34 AMBT

- rails (15), provided on each of the lateral walls (11) of the oven and on which respective mutually spaced portions of the corresponding side of the shelf (30) are seated, each rail (15) comprising a first
5 horizontal extension (15a), on which the shelf (30) seats in its operative position, and a second extension (15b), connected to the first one and upwardly inclined towards the front opening (12) and along which the shelf (30) is displaced between its
10 operative and loading positions.
11. A shelf arrangement according to claim 10, characterized in that the shelf (30) is seated on the two pairs of rails (15) by means of rollers (33).
12. A shelf arrangement according to claim 9,
15 characterized in that each rail (15) has its second extension (15b) ending in a recess (15c), to receive and retain the respective roller of the shelf (30), stabilizing the latter in the loading position.
13. A shelf arrangement according to claim 12,
20 characterized in that each rail (15) comprises a horizontal third extension (16), arranged in series with the first extension (15a) and below the second extension, to be optionally used to conduct the shelf (30) to a loading position that is coplanar and
25 outwardly advanced in relation to the operative position.